



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF FIRE SERVICES
RICHARD W. MILLER
STATE FIRE MARSHAL

STEVE ARWOOD
DIRECTOR

**STATE FIRE SAFETY BOARD MEETING
MINUTES
Thursday, April 25, 2013**

Members Present

Richard Prestage (Chair)
John Enkemann
David J. Henry
Donald Hicks
Dr. Ralph Hodek
Mark Jensen
Andrew Lenaghan
Thomas G. Lippens
Dr. Usamah Mossallam
Kassandra Renneberg
Les Rodwell
Ron Sabin
John Wozniak
Richard Miller, State Fire Marshal

Members Absent

Greg M. Herman
Dean Mallos (Vice Chair)
William Mayes

Guests

Lea Osborne	Health Care Association of Michigan
Chuck Block Jr. (MiSHE)	Spectrum Health / Michigan Society for Healthcare Engineering

Michigan Department of Licensing and Regulatory Affairs Personnel

Kasra Zarbinian	Bureau of Health Care Services
Michael Deprez	Bureau of Fire Services, Specialty Program Division
Kevin Wieber	Bureau of Fire Services, Storage Tanks Division
Brian Williams	Bureau of Fire Bureau, Plan Review Division
Kim Osborn	Bureau of Fire Services, Specialty Program Division
Walter Conyers	Bureau of Fire Services, Board Secretary

CALL TO ORDER AND DETERMINATION OF QUORUM

Prior to the call to order State Fire Marshal Richard Miller gave emergency exiting procedures and direction for the new office at 3101 Technology Blvd., Suite H, Lansing. Board Chair Richard Prestage called the meeting to order at 1:03 p.m. Following roll call by Board Secretary Walter Conyers, it was determined that a quorum was present.

Agenda

A **MOTION** was made by Board Member Renneberg and supported by Board Member Enkemann to approve the meeting agenda. **MOTION CARRIED.**

Disposition of Minutes

Board Member Rodwell stated that the minutes do not reflect his exception to sustain from voting on the approval of the delegation for Fireworks motion. A **MOTION** was made by Board Member Enkemann and supported by Board Member Rodwell to approve the minutes of the January 24, 2013, with an amendment noting this exception. **MOTION CARRIED.**

BUREAU OF FIRE SERVICE REPORT

FM Miller brought us up-to date on the fireworks delegation program and thanked everybody for approving the program. We now have an active procedure in place to pay fire departments for their inspections. Last year the Bureau processed 900 applications from fireworks vendors. This year the bureau has received 600 applications, with 140 vendors approved so far.

Our enforcement this year will be better than last year. We have four regional supervisors and over 30 fire inspectors throughout the state. Each fire inspector has been issued a ticket book to cite vendors who are not in compliance with the law, which requires a certificate from the bureau.

Legislation is under consideration that would solidify a funding source for fireworks operations and training activities. Legislation proposes 100% of the safety fees designated for firefighter training and 100% of the certificate fees funding Bureau staffing, less the delegation program. If a local municipality has a delegated fire inspector the ratio for revenue disbursement is a 70/30 split. The local municipality would receive 70% of the \$600 certificate fee per tent, or 70% of the \$1,000 certificate fee for a permanent structure.

Board Member Enkemann asked if the application must be applied for annually. State Fire Marshal Miller responded that every year vendors must reapply to sell fireworks. Board Member Les Rodwell asked how many applicants weren't approved. State Fire Marshal Miller will obtain information on the actual denial amount for certificates and make it available to Board members.

Unpaid Fees

State Fire Marshal Miller reported he is meeting with the Attorney General's office and the state Treasury Department regarding the vendors who did not pay the safety fees last year. Approximately 150 non-payers received a letter from the Bureau advising them of delinquent fees not paid. Currently, there are over 100 vendors who are

delinquent. The Attorney General's office is proposing changes in pending legislation to pursue the non-paying vendors.

The Bureau is working with the Discovery Unit in Treasury to attempt to resolve this issue. The amount of uncollected taxes is considerable since vendors must pay 6% of all sales to the safety fee. The current law requires quarterly payments. If last year's safety fee is not paid, a vendor cannot obtain a certificate to sell fireworks this year. Proposed legislative changes would require monthly payments. State Fire Marshal Miller will bring the final proposed changes to the current law to the next meeting.

Renewals and New Applications

BFS Assistant State Fire Marshal, Michael Deprez stated that to do business in 2013, new vendors and previous vendors must comply with all regulations. The Bureau is tasked with managing the fireworks program with limited enforcement authority. We are seeking help from other agencies to add muscle to the Bureau's efforts. Board Member Renneberg asked if there was a moratorium on the number of certificates the Bureau can issue. State Fire Marshal Miller stated there is nothing in the law that limits the number of vendors. It has been discovered that vendors attempt to circumvent the rules by changing their name. Assistant State Fire Marshal Deprez clarified there are two fees; the initial application fee and the safety fee.

Board Member Hicks inquired if vendors seeking renewals are going through a plan review process. Plan Review Division Manager, Brian Williams stated that the number of applicants, 600 this year, slows down the plan review process because we are processing fireworks vendor applications. The division has only four reviewers in the Bureau and because of the way the Fireworks Act is written all applications must be processed within 30 days of receiving the required paperwork; therefore, the process is a priority in the division.

Single Fire Code

The number one recommendation from the ORR is for the Bureau to develop a single statewide fire code much like the single statewide building code. The Bureau is developing an Ad Hoc Committee to begin working on this issue and is seeking representatives from different groups. There are several issues that must be resolved in developing a single statewide fire code including public assemblage rules. State Fire Marshal Miller asked Board members interested in being a part of the Ad Hoc Committee to let him know.

National Fire Incident Reporting System (NFIRS)

At a recent meeting of the Michigan Fire Chiefs in the Upper Peninsula, State Fire Marshal Miller stressed the importance of continuing to report fires through the National Fire Incident Reporting System. The data is crucial for the industry. The information supports the industry's need for equipment and personnel when requesting Grants.

SAFER Group

State Fire Marshal Miller reported the group hasn't met in six weeks. The group has submitted a report that is on the Governor's desk for review. The bureau hasn't heard back from his office yet. The group will meet next month and continue to make recommendations. I am not at liberty at this time to tell you what goes on and is discussed with this group. By our next meeting, I will identify what I can share with you.

Firefighters Training Council

No activity or training until the release of funds which are essential to the Bureau's training program.

LEGISLATIVE UPDATE

Senate Bill 235 would grant fire inspectors the same certification that building inspectors have in Public Act 54. It is not clear what the next legislative steps will be. This bill is important because it enhances the cooperation between building and fire inspectors and standardizes roles throughout the state. A qualified person will be available to inspect fire suppression systems. Currently, the use of fire inspectors varies throughout the state.

ADMINISTRATIVE RULES

The Bureau is inundated with rule review and no longer has assigned staff for this function. Staff currently work on rule reviews along with their other job duties. This is the reason for the delay in completing reviews.

Penal Institutions Fire Safety Rules (2011-001 LR)

An Ad Hoc committee has been formed. A subcommittee group will draft a set of rules for review by the full committee. These rules will cover correctional institutions. We plan to visit a county jail on May 1, 2013, and a state correctional facility on May 16, 2013.

School, College and University Fire Safety Rules (2011-002 LR)

Both the School and Dormitory rules are moving along the same path. We've drafted rules which were reviewed by the Ad Hoc committees. Revisions should be completed by next week and ready for review by the legislative liaison and the Board. The extensive amendments you will see bring the rules in line with the Michigan Building Code and resolve discrepancies with the 2009 Life Safety Code.

Dormitory Fire Safety Schools, Colleges, Universities (2011-003 LR)

See above.

Fire Fighter Training Council Rules (2011-044 LR)

A meeting is scheduled for Monday, May 6, 2013, and we hope to complete the draft for review. We've been working on these for a couple years.

Public Assemblage Rules (2012-114 LR)

The rule request was withdrawn because there are no staff available to work on them at the present time.

Health Care Facilities Fire Safety (2012-014 LR)

ORR approved the Request for Rulemaking (RFR) on November 5, 2012. The Ad Hoc Committee put together a draft. Our goal is to adopt the 2012 Life Safety Code with minimal amendments. The first meeting will be held on May 16, 2013.

Aboveground/Underground Storage Tank Rules

There are five different rule packages that need to be reviewed. When ORR was created it recommended that we identify packages that are more stringent than the federal requirements. All Michigan packages are more stringent so we need to clean them up. We will start with the first package and establish an Ad Hoc committee to review the rules. It should take about six months. Then will be move on to the next package and continue the cycle until all rules are reviewed.

Underground tanks store any petroleum or chemical based products. The allowable storage quantities vary for commercial use and for farms and residential. Above ground tanks store flammable and combustible liquids. We inspect anything over 1100 gallons. Propane tanks, compressed natural gas and hydrogen are also regulated.

Michigan Fireworks Safety Rules (2012-014 LR)

Adopted by the Board.

Election of Board of Officers

State Fire Marshal Miller acknowledged that the Governor has appointed Board Member Leslie Rodwell to another unprecedented term and appointed him Chair of the Board starting July 2013. A new vice-chair will need to be nominated and elected by Board members. Those interested or who wish to make a nomination should contact the Board Secretary. Board Member David Henry has been reappointed to represent the adult foster care industry. State Fire Marshal Miller is seeking recommendations from other industry representatives for Board positions.

OLD BUSINESS

Nursing Home Sprinkler Update

Of the 445 nursing homes in the state, 63 are currently unsprinklered. This puts the state at 86% compliant. Of the 63 homes not sprinklered, 27 of those have active projects with the Bureau to sprinkler their facility. Thirty-six homes have not submitted any plans at this time. The deadline for sprinklering is August 13, 2013. It is still unknown if CMS will allow Waiver extensions under certain circumstances for homes that qualify.

Fireworks Delegation

Stakeholders have recommended a 24-hour hotline for illegal fireworks activities. The Bureau is doing a budget comparison study for establishing a hotline year round versus around specific holidays.

NEW BUSINESS

Video Conferencing

The Board discussed the possibility of allowing video conferencing to save travel time and expenses for Board members. Bureau staff will study the options including using it as a training mechanism. Currently, there is no budget to support using this technology.

June Date Change

The next meeting date will remain June 27, 2013.

However, changes were made to the fall meeting schedule, the meeting scheduled for September 12, 2013, will be moved to **September 5, 2013**. Changes will be emailed to all Board members, LARA, the Governor's Office and other interested parties.

Single Fire Code Adoption

This topic will be on the next meeting agenda. State Fire Marshal Miller would like Board representation on the Ad Hoc Committee.


NEXT MEETING DATE

The next meeting will be held **Thursday, June 27, 2013, at 1:00 p.m.** at 3101 Technology Blvd., Suite H Lansing, MI.

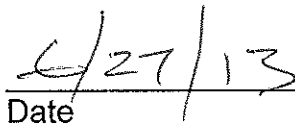
ADJOURMENT

A **MOTION** was made by Board Member Enkemann and supported by Board Member Rodwell to adjourn the meeting at 2:59 p.m. **MOTION CARRIED.**

APPROVED



Chair, State Fire Safety Board



Date